

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, SEPTEMBER 20, 2005 AT 10:00 A.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101  
-----**

**NOTE:** The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

**OTHER LEGISLATIVE MEETINGS**

The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at (619) 533-5432.

ITEM-300:                                      ROLL CALL.

**NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today’s docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under “Non-Agenda Public Comment.”

**COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

**REQUEST FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

**=== LEGISLATIVE SCHEDULE ===**

Adoption Agenda, Discussion, Other Legislative Items

- ITEM-330: Repeal of Debt Incurrence Time Limit Mount Hope Redevelopment Project Area. (Southeastern San Diego Community Area. District 4.)  
SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S RECOMMENDATION: Introduce the ordinance.
- ITEM-331: Twelve-Year Lease Agreement with Cloverdale Stables, Inc. for Property Located at 2460 Cloverdale Street San Pasqual Valley. (San Pasqual Valley Community Area. District 5.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-332: Two actions related to Soltek Pacific Participation Agreement for the Construction of Portion of USIU-Miramar Trunk Sewer. (Scripps Ranch Community Area. District 5.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.
- ITEM-333: Three Lease Agreements with Evertado Macias, Elisabeth L. Dantchev, and Global IT Research, Inc. for Property at World Trade Center Located at 1250 Sixth Avenue, San Diego. (Centre City Community Area. District 2.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-334: Murphy's Supermercado Sidewalk Project and Azalea Park Streetscape Project. (City Heights Community Area. District 3.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-335: Negotiations for a Sixth Implementation Agreement to the Disposition and Development Agreement (DDA) for Las Americas River Pedestrian Bridge Project. (San Ysidro Community Area. District 8.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-336: Two actions related to FBA Credit and Reimbursement Agreement with Pardee Homes for the Design and Construction of Pacific Highlands Ranch Fire Station 47. (Pacific Highlands Ranch Community Area. District 1.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Discussion, Other Legislative Items (Continued)

- ITEM-337: First Amendment to Agreement for Professional Engineering Services for Storm Drain Service Charge Development with Brown and Caldwell.  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

Noticed Hearings, Discussion

- ITEM-338: Lake Hodges Pedestrian/Bicycle Bridge. (San Pasqual-Lake Hodges and Rancho Bernardo Community Plan Areas. District 5.)

Matter of the appeal by Marc D. Lindshield, Chairman of Lake Hodges Community Planning Group, of the decision of the Planning Commission in approving an application to construct a 990-foot long, 12-foot wide pedestrian/bicycle bridge and related trail connections across Lake Hodges linking the Lake Hodges North Shore Trail with the Bernardo Bay trail staging area and Piedras Pintadas Trail with the following recommendation and permit modification: 1. Encourage 24 hour access of the bridge as this is a federally funded transportation corridor and is replacing other 24 hour access, therefore it should be maintained; and; 2. Condition No. 16 be modified to allow for the lighting on the bridge to match the times of opening. The project site is located approximately 1,000 feet west of Interstate 15 and north of West Bernardo Drive.  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution in Subitem A; and adopt the resolution in Subitem B to deny the appeal and to uphold the decision of the Planning Commission, and to grant the permit.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

**=== EXPANDED CITY COUNCIL AGENDA ===**

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**

**ORDINANCES TO BE INTRODUCED:**

ITEM-330: Repeal of Debt Incurrence Time Limit Mount Hope Redevelopment Project Area.

(See Southeastern Economic Development Corporation Report SEDC-05-012.  
Southeastern San Diego Community Area. District 4.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S  
RECOMMENDATION:**

Introduce the following ordinance:

(O-2006-28)

Introduction of an Ordinance eliminating the time limit for establishing loans, advances or indebtedness to carry out the Redevelopment Plan for the Mount Hope Redevelopment Project Area.

**NOTE:** See the Redevelopment Agency Agenda of 9/20/2005 for a companion item.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**

**RESOLUTIONS:**

ITEM-331: Twelve-Year Lease Agreement with Cloverdale Stables, Inc. for Property Located at 2460 Cloverdale Street San Pasqual Valley.

(See City Manager Report No. CMR-05-172. San Pasqual Valley Community Area. District 5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-47)

Authorizing the City Manager to execute a 12-year lease agreement with Cloverdale Stables, Inc., for horse stables and a wholesale tree nursery on approximately 44.8 acres in San Pasqual Valley, for a minimum annual rent of \$16,200, paid in advance at \$1,350 monthly, under the terms and conditions set forth in a lease agreement.

Staff: Dave Martens – (619) 236-6066  
Elisa A. Cusato – Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-332: Two actions related to Soltek Pacific Participation Agreement for the Construction of Portion of USIU-Miramar Trunk Sewer.

(Scripps Ranch Community Area. District 5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2006-105)

Authorizing the City Manager to negotiate and execute a Participation Agreement (the Agreement) on behalf of the Metropolitan Wastewater Department with Soltek Pacific, for the construction of the USIU-Miramar Trunk Sewer, CIP-46-197.6, for an amount not to exceed \$1,000,000;

Authorizing the expenditure of an amount not to exceed \$1,000,000 from Fund 41506, CIP-46-197.6, USIU Trunk Sewer, to fund the Agreement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-B: (R-2006-106)

Stating for the record that approval of the USIU-Miramar Trunk Sewer Project is a subsequent discretionary approval of the activities addressed in MND, Project No. 33131 and therefore not a separate project under CEQA Guideline Sections 15060(c)(3) and 15378(c);

Stating for the record that the information contained in MND, Project No. 33131, including any comments received during the public review process, has been reviewed and considered by this Council and it is determined that this subsequent discretionary approval does not involve substantial changes or new information of substantial importance which would warrant any additional environmental review.

**CITY MANAGER SUPPORTING INFORMATION:**

As part of the ongoing effort by the City to rehabilitate and improve the overall sewerage system, approximately two miles (10,700 feet) of the USIU-Miramar Trunk Sewer has been designated for replacement.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

## RESOLUTIONS: (Continued)

ITEM-332: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

The original trunk sewer was constructed in 1968 and is a combination of 12-inch and 15-inch pipe which will ultimately be replaced with 18-inch and 21-inch pipe. When completed, over 8,000 feet of the trunk sewer will lie within the improvements of Pomerado Road, eliminating approximately 3,000 feet of pipeline located in canyons or other unimproved areas.

The San Diego Unified School District is using Soltek Pacific as the Construction Manager for a design-build contract for the construction of the Scripps Ranch Middle School. The school is located south of Pomerado Road at Willow Creek Road. As part of the school construction, a number of offsite improvements are required within Pomerado Road adjacent to the school site. These improvements include the installation of new water mains, street widening and traffic signals. The City has finalized plans for the replacement of the USIU-Miramar Trunk Sewer with construction anticipated to begin in the spring of 2007. Approximately 1,452 feet of the new sewer alignment is contained within this segment of Pomerado Road to be improved as part of the construction for the Scripps Ranch Middle School.

Staff met with the Scripps Ranch Community Planning Group on March 6 and June 5 of 2003. Additionally staff met with the School District and the Chair of the Scripps Ranch Community Planning Group on May 13 and June 10 of 2004 to discuss a coordinated construction effort. The City, the Scripps Ranch Community Planning Group and the Construction Manager, Soltek Pacific, find it is in their best interests to expedite the public wastewater improvements adjacent to the Scripps Ranch Middle School site. Coordinating the improvements into a single construction operation managed by Soltek Pacific will avoid disruption and re-excavation of newly constructed portions of Pomerado Road and limit impacts to traffic. Accordingly, it is recommended that the City enter into a Participation Agreement with Soltek Pacific for an amount not to exceed \$1,000,000 to construct a portion of the USIU-Miramar Trunk Sewer.

**FISCAL IMPACT:**

The total of this request is \$1,000,000. Funds are available in Fund 41506, CIP-46-197.6, USIU-Miramar Trunk Sewer. This project is part of the existing capital improvement program and is not dependent on future financing proceeds.

Mendes/Tulloch/CW

Aud. Cert. 2600045.

Staff: Craig Whittemore – (858) 292-6471  
James W. Lancaster – Deputy City Attorney



**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

ITEM-333: Three Lease Agreements with Evertado Macias, Elisabeth L. Dantchev, and Global IT Research, Inc. for Property at World Trade Center Located at 1250 Sixth Avenue, San Diego.

(Centre City Community Area. District 2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-127)

Authorizing the City Manager to execute a one-year lease agreement with four one-year options to extend with Evertado Macias for City-owned property located at 1250 Sixth Avenue, Suite 219, for general office use, for \$4,200 per year with annual rent adjustments of 5% on the terms and conditions set forth in the Lease Agreement;

Authorizing the City Manager to execute a one-year lease agreement with four one-year options to extend with Elisabeth L. Dantchev for City-owned property located at 1250 Sixth Avenue, Suite 905, for general office use, for \$4,200 per year with annual rent adjustments of 5% per year, on the terms and conditions set forth in the Lease Agreement;

Authorizing the City Manager to execute a one-year lease agreement with four one-year options to extend with Global IT Research, Inc. for City-owned property located at 1250 Sixth Avenue, Suite 220, for general office use, for \$4,200 per year with annual rent adjustments of 5% per year, on the terms and conditions set forth in the Lease Agreement.

**CITY MANAGER SUPPORTING INFORMATION:**

The City owns an approximate .69 acre parcel with a 127,990 square foot building located at 1250 Sixth Avenue, San Diego, also known as the World Trade Center Building (WTC). The City currently leases to approximately 24 lessees, and a portion of the WTC building houses several City departments. There are three existing tenants requesting renewal. They have been leasing space in WTC for over three years, and are currently on holdover which constitutes a month to month tenancy.

City valuation staff reviewed the rental rates for these leases and determined they are within the upper range of market value for similar leased space.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-333: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

Annual rent derived from these three leases will be \$12,600 with annual five percent increases. The leases will be one year in length with four one year options for extensions. The basic terms and conditions of the proposed leases are as follows:

TENANT: E. Macias: Suite 219; USE – General office usage for collection and attorney services; TERM – One year with four one-year options; Sq. Ft. – 140; RENT - \$4,200 annually with 5% adjustment increases.

TENANT: E. Dantchev: Suite 905; USE – General office usage for attorney services; TERM – One year with four one-year options; Sq. Ft. – 140; RENT - \$4,200 annually with 5% adjustment increases.

TENANT: Global IT Research, Inc.: Suite 220; USE – Office usage for general consulting; TERM – One year with four one-year options; Sq. Ft. – 140; RENT - \$4,200 annually with 5% adjustment increases.

**FISCAL IMPACT:**

Amount of \$12,600 subject to annual 5% adjustments will be deposited into the General Fund Revenue Account No. 75260.

Herring/Griffith/CRG

Staff: Chris Hargett – (619) 236-6766  
Elisa A. Cusato – Deputy City Attorney

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

ITEM-334: Murphy's Supermercado Sidewalk Project and Azalea Park Streetscape Project.

(City Heights Community Area. District 3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-181)

Amending the Fiscal Year 2006 CIP Budget to accept the Redevelopment Agency fund transfer and increase the Azalea Park Neighborhood Identification Project (CIP-39-086.0) by \$156,000 and City Heights/University Avenue Streetscape Improvements (CIP-39-210.0) by \$25,000 for the Murphy's Market Sidewalk Improvement Project;

Increasing appropriations and authorizing expenditures in the amount of \$156,000 for the Azalea Park Neighborhood Identification Project and in the amount of \$25,000 for the Murphy's Supermercado Sidewalk Improvements as part of City Heights/University Avenue Streetscape Improvements.

**CITY MANAGER SUPPORTING INFORMATION:**

In May 2005, Murphy's Supermercado, a full service grocery store, was opened to serve the Mid City community at 46<sup>th</sup> Street and University Avenue. The site was renovated by developer/owner, Mark Kassab, who requested of the City Heights Project Area Committee (PAC) financial assistance in repairing a portion of the sidewalk, alley and alley aprons surrounding the store and adding a curb ramp at 46<sup>th</sup> and University. On May 9, 2005, the City Heights PAC voted to recommend allocation of \$25,000 in tax increment funding for this purpose as an enhancement of this public/private partnership which is making a significant improvement in the City Heights community.

The City Councils requested to accept the Redevelopment Agency transfer of funds and to approve allocation and expenditure of \$25,000 in City Heights Redevelopment Tax Increment funding for sidewalk improvements related to Murphy's Supermercado.

A second allocation for which approval is requested involves the Azalea Park Neighborhood Identification Project. In October 2000, the Azalea Park and Hollywood Park Revitalization Action Program (RAP) was initiated with the goal of creating a holistic approach to addressing revitalization efforts within the neighborhoods of Azalea Park and Hollywood Park in the City Heights area.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-334: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

Among the many recommendations that were created during the formulation of the RAP, community promotion was a key component to improving the character and visual quality of the streetscape in the Azalea Park and Hollywood Park neighborhoods.

Since July 2004, the Azalea Park Neighborhood Association has been working closely with the City and Harmon Nelson Design, Inc. to develop conceptual designs for a signage program that would promote and reinforce neighborhood identity in Azalea Park. The Azalea Park Neighborhood Identification Project will implement recommendations in the RAP for reinforcing neighborhood identity and improving the neighborhood streetscape. The project would consist of enhanced landscaping, community artwork, and improvements centered around three community identification signs at the intersections of Poplar Street and Fairmount Avenue, Tulip Street and the Interstate 805 Freeway overpass, and at the entrance of the Azalea Neighborhood Park and Violet Street.

The City Heights PAC voted on May 9, 2005, to recommend allocation of \$156,000 in City Heights Tax Increment funding for installation of improvements which will enhance the identity and visual character of Azalea Park.

The City Council is requested to accept the Redevelopment Agency transfer of funds and approve allocation and expenditure of \$156,000 in City Heights Redevelopment Tax Increment funding which has been transferred via the Companion Redevelopment Agency Action to CIP-39-086.0, Azalea Park Neighborhood Identification Project for community identification improvements in Azalea Park. The City Council is also requested to increase the Fiscal Year 2006, CIP Budget by \$156,000 in CIP-39-086.0, Azalea Park Neighborhood Identification Project and by \$25,000 in CIP-39-210.0, City Heights/University Avenue Streetscape Improvements, which contains Murphy's Supermercado Sidewalk Improvements.

**FISCAL IMPACT:**

Adequate funds are available in the City Heights Redevelopment Project Area Tax Increment Fund # 98200 and \$181,000 has been transferred to the City via the Companion Redevelopment Agency Action for use in implementing the Murphy's Supermercado Sidewalk Improvements and Azalea Park Neighborhood Identification Project.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-334: (Continued)

**FISCAL IMPACT:** (Continued)

CITY HEIGHTS PAC RECOMMENDATION: On May 9, 2005, the City Heights PAC voted to recommend allocation of City Heights Redevelopment Tax Increment funds of \$25,000 to Murphy's Supermercado Sidewalk Improvements and \$156,000 to Azalea Park Neighborhood Identification Project.

Oppenheim/Fischle-Faulk/BK

**NOTE:** See the Redevelopment Agency Agenda of 9/20/2005 for a companion item.

Staff: Bob Kennedy – (619) 533-4276  
Susan Y. Cola – Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-335: Negotiations for a Sixth Implementation Agreement to the Disposition and Development Agreement (DDA) for Las Americas River Pedestrian Bridge Project.

(See Redevelopment Agency Report RA-05-29/CMR-05-173. San Ysidro Community Area. District 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-212)

Authorizing the City Manager, or designee, to negotiate with International Gateway Associates, LLC for purposes of developing a franchise agreement to implement the Las Americas River Pedestrian Bridge;

Authorizing the City Manager, or designee, to submit an application for a Presidential Permit with the U.S. State Department, for purposes of implementing the Las Americas River Pedestrian Bridge.

**NOTE:** See the Redevelopment Agency Agenda of September 20, 2005 for a companion item.

Staff: Robert Chavez – (619) 533-5368  
Rachel H. Witt – Chief Deputy City Attorney

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)**

**RESOLUTIONS: (Continued)**

ITEM-336: Two actions related to FBA Credit and Reimbursement Agreement with Pardee Homes for the Design and Construction of Pacific Highlands Ranch Fire Station 47.

(Pacific Highlands Ranch Community Area. District 1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-183)

Authorizing the City Manager to execute, for and on behalf of City, the credit and reimbursement agreement in the amount of \$6,040,000 with Pardee Homes for the design and construction of Fire Station 47;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$8,090,000 (\$2,050,000 for the purchase of Furnishings, Fixtures, and Equipment (FF&E) from FBA Fund 79011, CIP-33-105.0; \$6,040,000 for the reimbursement of the Estimated Costs pursuant to the credit and reimbursement agreement in the manner that follows: \$4,176,500 from FBA Fund 79011, CIP-33-105.0; \$822,500 from FBA Fund 79015, CIP-33-105.0; and \$1,041,000 from FBA Fund 79010, CIP-33-105.0). The expenditures shall be in a manner consistent with the timing established in the most recently adopted Pacific Highlands Ranch, Del Mar Mesa, and Torrey Highlands Public Facilities Financing Plans, subject to revision by subsequent updates to the Pacific Highlands Ranch, Del Mar Mesa, and Torrey Highlands Public Facilities Financing Plans, with the total of \$2,050,000 for the purchase of FF&E set aside or reserved prior to any expenditure for reimbursement of Estimated Costs under the credit and reimbursement agreement. All expenditures shall be contingent upon the City Auditor and Comptroller certifying that the funds necessary for said agreement are, or will be, on deposit in the City Treasury.

**CITY MANAGER SUPPORTING INFORMATION:**

Pardee Homes has agreed to complete the design and construction of Fire Station 47 located within Pacific Highlands Ranch. The project, identified as F-1 in the adopted Fiscal Year 2005 Pacific Highlands Ranch Public Facilities Financing Plan, is scheduled for design and construction in Fiscal Year 2005. It is also identified in the FY 2004 Torrey Highlands Public Facilities Financing Plan as F-2 and in the FY 2004 Del Mar Mesa Public Facilities Financing Plan as 43-16. At this time, sufficient funds are not available in the Pacific Highlands Ranch, Torrey Highlands, or Del Mar Mesa FBAs to construct the Fire Station.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-336: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

Pardee Homes has agreed to design and construct the Fire Station exclusive of furnishings, fixtures, and equipment (FF&E). Funds are available now from the Pacific Highlands Ranch Fund 79011 for the purchase of the FF&E which is valued at \$2,050,000. The reimbursement agreement, in the amount of \$6,040,000, includes the design consultant services, City project management and administration, anticipated construction costs and contingencies. It is anticipated that the shares contributed by each FBA will change with the FY 2006 updates to each of the respective plans.

**FISCAL IMPACT:**

Minimal. The funds needed for this project are being provided through developer fees.

Ewell/Goldberg/FJ

Staff: Frank January – (619) 533-3699  
David E. Miller – Deputy City Attorney



ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-337: First Amendment to Agreement for Professional Engineering Services for Storm Drain Service Charge Development with Brown and Caldwell.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-157)

Authorizing the City Manager to execute a First Amendment to the Agreement for Professional Engineering Services for Storm Drain Service Charge Development with Brown and Caldwell, to provide additional professional consultant services in connection with Phase B of the Storm Drain Service Charge Development Study, increasing the compensation by \$45,240 under the terms and conditions set forth in the Agreement on file in the Office of the City Clerk as Document No. RR-296102, and as amended;

Authorizing the expenditure of an amount not to exceed \$346,834 from Fund 100, Dept. 533 for the purpose of providing funds for Phase B of the Storm Drain Service Charge Development Study with Brown and Caldwell;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves;

Declaring that this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego Storm Water Pollution Prevention Division entered into an agreement with Brown & Caldwell (RR-296102, filed February 25, 2002) to provide professional consultant services for the Storm Drain Service Charge Development Study at a cost not to exceed \$399,433. Phase A of the agreement was for an amount not to exceed \$97,839 and was funded in Fiscal Year 2002 from Fund 100. The remaining \$301,594 was for Phase B which was to be funded in Fiscal Year 2003, however, has not been available until Fiscal Year 2006. Upon further review of Phase B of the 2002 contract, outdated tasks were in need of either being updated or deleted and items not identified in the original scope of work but needed to complete the study were identified. This request is for the approval of Amendment No. 1 in the amount of \$45,240 to provide for completion of the Storm Drain Service Charge Development Study.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-337: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

This study will result in a storm water rate structure adequate to fund the City's costs of repairing and rehabilitating the storm water drainage infrastructure and complying with the City's National Pollutant Discharge Elimination System (NPDES) permit for remediation of stormwater runoff pollutants, a fee structure that is in conformance with requirements of Proposition 218 (California Article XXII C and D), and assist with public awareness and understanding on the need for funding the city's storm water program.

**FISCAL IMPACT:**

The original phase funded agreement with Brown & Caldwell was for \$399,433. Amendment No. 1 will add \$45,240 for a new total not to exceed 444,673. Phase A of this agreement, totaling \$97,839, was funded in Fiscal Year 2002 from Fund 100. The remaining \$346,834 is for Phase B of this agreement and is available in Fiscal Year 2006 from Fund 100.

Mendes/Tulloch/DD

Aud. Cert. 2600135.

Staff: Dan Denham – (858) 292-6345  
Tim Miller – Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-338: Lake Hodges Pedestrian/Bicycle Bridge.

Matter of the appeal by Marc D. Lindshield, Chairman of Lake Hodges Community Planning Group, of the decision of the Planning Commission in approving an application to construct a 990-foot long, 12-foot wide pedestrian/bicycle bridge and related trail connections across Lake Hodges linking the Lake Hodges North Shore Trail with the Bernardo Bay trail staging area and Piedras Pintadas Trail with the following recommendation and permit modification: 1. Encourage 24 hour access of the bridge as this is a federally funded transportation corridor and is replacing other 24 hour access, therefore it should be maintained; and; 2. Condition No. 16 be modified to allow for the lighting on the bridge to match the times of opening. The project site is located approximately 1,000 feet west of Interstate 15 and north of West Bernardo Drive.

(See City Manager Report CMR-05-177. MND No. 5429/State Clearinghouse No. 3005601085/MMRP/SDP No. 193075/Project No. 5429. San Pasqual-Lake Hodges and Rancho Bernardo Community Plan Areas. District 5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolution in Subitem A; and adopt the resolution in Subitem B to deny the appeal and to uphold the decision of the Planning Commission, and to grant the permit:

Subitem-A: (R-2006- )

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 5429/State Clearinghouse No. 3005601085 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Administration Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as a Responsible Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City Council;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration is hereby approved;

That pursuant to California Public Resources Code, Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-338: (Continued)

Subitem-B: (R-2006- )

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision of the Planning Commission in approving the project; and granting or denying Site Development Permit No. 193075, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission on June 9, 2005, voted 7-0 to approve the Site Development Permit to construct a 990-foot long pedestrian/bicycle bridge and related trail with recommendations; was opposition.

Ayes: Garcia, Griswold, Chase, Schultz, Ontai, Otsuji, Steele

The Rancho Bernardo Community Planning Board on May 19, 2005, voted 17-0-0 to recommend approval of the project with conditions.

The San Pasqual-Lake Hodges Planning Group on May 5, 2005, voted 7-6 to recommend approval with a condition.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed project is located within the City of San Diego's Lake Hodges Reservoir, approximately 600 to 1,000 feet west of Interstate 15 and north of West Bernardo Drive, in the AR-1-1 Zone of the Rancho Bernardo and San Pasqual Community Plan areas. Lake Hodges is a potable water reservoir within the San Dieguito River Valley that is owned and managed by the City of San Diego Water Department. Lake Hodges and the surrounding area is also a regional recreational resource and includes boating and fishing activities on the lake itself and a network of trails around the lake.

The San Dieguito River Valley Regional Open Space Park Joint Powers Authority, also known as the San Dieguito River Park, is the agency responsible for creating a natural open space park in the San Dieguito River Valley. The JPA was formed as a separate agency on June 12, 1989, by the County of San Diego and the Cities of Del Mar, Escondido, Poway, San Diego and Solana Beach. It was empowered to acquire, plan, design, improve, operate and maintain the San Dieguito River Park.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-338: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

The JPA, with funds from the Federal Highway Administration Transportation Enhancement Activity (TEA) grant administered by the California Department of Transportation, District 11, proposes to construct a pedestrian/bicycle bridge and related trail connections across Lake Hodges linking the Lake Hodges North Shore Trail with the Bernardo Bay trail staging area and Piedras Pintadas Trail.

On June 9, 2005, the Planning Commission conducted a Process 4, public hearing to consider the San Dieguito River Park Joint Powers Authority's (JPA) application for a Site Development Permit to construct an approximately 990 feet long, 14 feet wide pedestrian/bicycle bridge across Lake Hodges and provide related improvements to trail connections across Lake Hodges linking the Lake Hodges North Shore Trail with the Bernardo Bay trail staging area and Piedras Pintadas Trail. After public testimony, the Planning Commission voted unanimously to approve the Site Development Permit with recommendations to encourage 24-hour access of the proposed bridge and modify Permit Condition No. 16 to allow for the lighting on the bridge to coincide with hours of operation.

On June 16, 2005 Mr. Marc Lindshield, Chair of the San Pasqual/Lake Hodges Community Planning Group, filed an appeal on behalf of the group for the Planning Commission's decision to approve the Site Development Permit based upon new information.

Environmental Review: The San Dieguito River Park Joint Powers Authority (JPA), as Lead Agency and the City of San Diego, as the Responsible Agency for the project has conducted an Initial Study of the project, which determined that the proposed project could have a potentially significant effect on biological resources, cultural resources, and geology and soils. Subsequent project revisions and specific mitigation measures have been identified in the project's Mitigated Negative Declaration, SCH No. 2005011085 and as conditioned in Site Development Permit No. 193075 to reduce the potential adverse effect to below a level of significant environmental effects. On May 20, 2005, the JPA Board certified the Mitigated Negative Declaration, SCH No. 2005011085 and adopted the Mitigation, Monitoring and Reporting Program.

**FISCAL IMPACT:**

All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Oppenheim/Halbert/TPD

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-338: (Continued)

**LEGAL DESCRIPTION:**

The project site is located on land owned by the City of San Diego Water Department and within the San Dieguito River Park Focused Planning Area (FPA). The project is proposed in the *San Dieguito River Park Concept Plan* (1994).

Staff: Tim Daly - (619) 446-5356.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT